

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:)	Confirmation No.: 2638
)	
Michael R. Friton)	Group Art Unit: 3728
)	
Appln. No.: 10/776,242)	Examiner: John T. Kavanaugh
)	
Filed: February 12, 2004)	Atty. Docket No.: 005127.00180
)	
For: FOOTWEAR AND OTHER SYSTEMS)	
INCLUDING A FLEXIBLE MESH OR)	
BRAIDED CLOSURE SYSTEM)	

**MISCELLANEOUS LETTER REGARDING
FEES ACCOMPANYING NOTICE OF APPEAL**

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Advisory Action dated April 25, 2007, Applicant submits a Notice of Appeal under 37 C.F.R. § 41.31. Previously, Applicant filed a Notice of Appeal in this application on May 9, 2006. A final board decision was not rendered on this prior appeal because prosecution on the case was reopened via the Non-final Office Action dated August 4, 2006. Therefore, under MPEP § 1204.01, Applicant requests that the Notice of Appeal fee of \$500 submitted with the Notice of Appeal of May 9, 2006 be applied to this present Notice of Appeal. For the Office's convenience, MPEP § 1204.01 is reproduced below (emphasis supplied by Applicant):

1204.01 Reinstatement of Appeal [R-3]

If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior

Application of Michael R. Friton – U.S. Patent Appln. No. 10/776,242

appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205. <

Hence, Applicant believes the only fees due at this time are a two month extension of time. Applicant authorizes the commissioner to debit Deposit Account No. 19-0733 for the two month extension of time. If the Office determines that any further fees are required that are not accounted for in the papers filed, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees, including any necessary extension fees, Notice of Appeal fees, or other fees needed to maintain the pendency of this application.

Respectfully submitted,

BANNER & WITCOFF, LTD.

/Matthew Kohner/ #51,892
for

By: _____
William F. Rauchholz
Registration No. 34,701

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597
(202) 824-3000 (Telephone)
(202) 824-3001 (Facsimile)

Dated: May 4, 2007